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*Attorneys for Defendants Jason R. Anderson, Jacob S. Anderson, Schad E. Brannon, Roydon B. Nelson, and Relief Defendants Business Funding Solutions, LLC; Blox Lending, LLC; The Gold Collective LLC; and UIU Holdings, LLC*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

DIGITAL LICENSING INC. (d/b/a “DEBT Box”), a Wyoming corporation; JASON R. ANDERSON, an individual; JACOB S. ANDERSON, an individual; SCHAD E. BRANNON, an individual; ROYDON B. NELSON, an individual; JAMES E. FRANKLIN, an individual; WESTERN OIL EXPLORATION COMPANY, INC., a Nevada corporation; RYAN BOWEN, an individual; IX GLOBAL, LLC, a Utah limited liability company; JOSEPH A. MARTINEZ, an individual; BENAJMIN F. DANIELS, an

**SUPPLEMENTAL AUTHORITY IN  
FURTHER SUPPORT OF  
DEFENDANTS JASON R. ANDERSON,  
JACOB S. ANDERSON, SCHAD E.  
BRANNON, AND ROYDON B. NELSON  
AND RELIEF DEFENDANTS BUSINESS  
FUNDING SOLUTIONS, LLC, BLOX  
LENDING, LLC, THE GOLD  
COLLECTIVE LLC, AND UIU  
HOLDINGS, LLC’S MOTION TO  
DISSOLVE TEMPORARY  
RESTRAINING ORDER AND MODIFY  
TEMPORARY RECEIVERSHIP ORDER  
TO APPOINT A NEW RECEIVER  
EXPEDITIOUS CONSIDERATION  
REQUESTED**

Case No. 2:23-cv-00482-RJS  
Chief Judge Robert J. Shelby

individual; MARK W. SCHULER, an individual; B & B INVESTMENT GROUP, LLC (d/b/a “CORE 1 CRYPTO”), a Utah limited liability company; TRAVIS A. FLAHERTY, an individual; ALTON O. PARKER, an individual; BW HOLDINGS, LLC (d/b/a the “FAIR PROJECT”), a Utah limited liability company; BRENDAN J. STANGIS, an individual; and MATTHEW D. FRITZSCHE, an individual;

Defendants,

ARCHER DRILLING, LLC, a Wyoming limited liability company; BUSINESS FUNDING SOLUTIONS, LLC, a Utah limited liability company; BLOX LENDING, LLC, a Utah limited liability company; CALMFRITZ HOLDINGS, LLC, a Utah limited liability company; CALMES & CO, INC., a Utah corporation; FLAHERTY ENTERPRISES, LLC, an Arizona limited liability company; IX VENTURES FZCO, a United Arab Emirates company; PURDY OIL, LLC, a Nebraska limited liability company; THE GOLD COLLECTIVE LLC, a Utah limited liability company; and UIU HOLDINGS, LLC, a Delaware limited liability company,

Relief Defendants.

### **NOTICE OF SUPPLEMENTAL AUTHORITY**

Pursuant to DUCivR 7-1(c), Defendants Jason R. Anderson (“Jason Anderson”), Jacob S. Anderson (“Jacob Anderson”), Schad E. Brannon (“Brannon”), and Roydon B. Nelson (“Nelson”) (collectively “Defendants”) and Relief Defendants Business Funding Solutions, LLC (“BFS”), Blox Lending, LLC (“Blox”), The Gold Collective LLC (“TGC”), and UIU Holdings, LLC (“UIU”) (“Relief Defendants”), by and through undersigned counsel, hereby submit this supplemental authority in further support of their Motion to Dissolve the renewed Temporary Restraining Order (“TRO”), including an asset freeze, originally issued *ex parte* on July 28, 2023 and last renewed on September 12, 2023 (ECF Nos. 9, 136), and to modify the Temporary Receivership Order (“Receivership Order”), issued on July 28, 2023 (ECF No. 10) (“Motion to Dissolve”).

At the status conference on September 15, 2023, the Court inquired of any authority regarding the standards by which this Motion to Dissolve should be resolved. In particular, the Court asked whether additional or new evidence may be considered for the resolution of the Motion to Dissolve.

Several courts have held that a motion to dissolve a TRO should be treated as a motion for reconsideration, which should be granted where the TRO was improvidently issued, rather than as an opposition to a motion for preliminary injunction or opposition to extending a TRO. *E.g.*, *Dixie Brewing Co. v. Dep’t. of Veterans Affairs*, 2013 WL 6715921, at \*3 (E.D. La. Dec. 18, 2013) (“The motion to dissolve is treated like a motion for reconsideration, and should be granted where the temporary restraining order was improperly issued.”); *see KDH Consulting Grp. LLC, v. Iterative Cap. Mgmt. L.P.*, No. 20 Civ. 3274 (VM), 2020 WL 2554382, at \*5 (S.D.N.Y. May 20, 2020) (“A court may grant a motion to dissolve a TRO pursuant to Rule 65(b)(4) if the TRO was improperly issued.”). In that context, courts have not reviewed additional or new evidence.

To the extent that the Court views the Motion to Dissolve as an opposition to any motion to extend the current TRO, which has not been made yet, the movant must demonstrate that “the grounds for originally granting the temporary restraining order continue to exist.” 11A Charles Alan Wright *et al.*, *Federal Practice and Procedure* § 2953 (3d ed. 2021).

Defendants and Relief Defendants respectfully request that the Court require the SEC and Receiver to respond to the Motion to Dissolve separately, or make a separate motion to extend the current TRO (which expires on September 26, 2023), apart from any submission made for a request for the Preliminary Injunction.

Respectfully submitted,

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/s/ Jason P. Gottlieb

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